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CITED \_\_\_\_\_ SERIALIZED \_\_\_\_\_  
FILED \_\_\_\_\_ CLASSED \_\_\_\_\_

12801-107-005  
**NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

- Note attached communication from the Examiner  
 This notice is issued in view of applicant's communication filed \_\_\_\_\_

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
First Named Applicant	12801-107-005	100	HORNIG	12/14/1986

TITLE OF INVENTION: PLASTIC ACID TRANSPORTER AND CARRIER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY Status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or  
B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or  
B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to contrary.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/140,729	10/20/93	AMARA	S 93509

ALLEGRETTI AND WITCOFF  
TEN SOUTH WACKER DRIVE  
CHICAGO IL 60606

18M2/0205

HOBBS EXAMINER

ART UNIT	PAPER NUMBER
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1814

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DATE MAILED.

02/05/96

### NOTICE OF ALLOWABILITY

#### PART I.

- This communication is responsive to restriction election filed 10/23/95.
- All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are 1,3,6,9,13,14.
- The drawings filed on \_\_\_\_\_ are acceptable.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [ ] been received. [ ] not been received. [ ] been filed in parent application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTO-413.
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

#### PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - a.  Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. \_\_\_\_\_ CORRECTION IS REQUIRED.
  - b.  The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - c.  Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - d.  Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

#### Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

ROBERT A. WAX  
SUPERVISORY PATENT EXAMINER  
GROUP 180

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**Part III DETAILED ACTION**

1. Formal drawings are now required and must be filed within the three month shortened statutory period set for response in the "NOTICE OF ALLOWABILITY" (PTOL-37). Extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a). Failure to timely submit the drawings will result in **ABANDONMENT** of the application. The drawings should be submitted as a separate paper with a transmittal letter which is addressed to the Official Draftsman. The art unit number, serial number and number of drawing sheets should be written on the reverse side of the drawings. The drawings filed on October 20, 1993 are acceptable subject to correction of the informalities indicated on the attached Notice re Drawings, PTO-948.

10 In order to avoid abandonment of this application, correction is required.

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES****a. Correction of Informalities -- 37 CFR 1.85; 1097 OG 36**

15 New formal drawings must be filed with the changes incorporated therein. The art unit number, application number (including Series Code) and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (POOL-37). If delayed, the new drawing **MUST** be filed within the **THREE MONTH** shortened statutory period set for response in the "Notice of Allowability" (POOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). The drawing should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

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**b. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

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All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted, preferably red ink sketch of the changes to be incorporated into the new drawings **MUST** be approved by the Examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the Examiner has approved the proposed changes.

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c. **Timing of Corrections**

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Applicant is required to submit acceptable corrected drawings within the three month shortened statutory period set in the "Notice of Allowability" (PTO-37). Within that three month period, two weeks should be allowed for review of the new drawings by the Office. If a correction is determined to be unacceptable by the Office, applicant must arrange to have an acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time with extension fees. Therefore, applicant should file corrected drawings as soon as possible.

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Failure to take corrective action within the set (or extended) period will result in ABANDONMENT of the application.

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2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.



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3. Original claims 2, 4-5, 7-8, 10-12 and 15-35 are hereby cancelled in this application. Claims 1, 3, 6, 9 (as amended October 23, 1995) and 13-14 remain in the application.

4. In claim 1, please delete "A nucleic acid" and substitute therefor --An isolated

a / nucleic acid-- Also, please delete "mammalian" and substitute therefor --human--.

Also, please delete "glutamate transporters...EAAT3." and substitute therefor --

glutamate transporter EAAT2.--.

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5. In claim 3, please delete "A nucleic acid" and substitute therefor --An isolated

nucleic acid--. Also, please delete "consists essentially of" and substitute therefor --

comprises--.

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6. In claim 6, please delete "or derivative thereof". Also, please delete "consisting

essentially of" and substitute therefor --comprising--.

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7. In claim 13, please delete "consists essentially of" and substitute therefor --

comprises--.

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8. Authorization for this Examiner's Amendment was given in a telephone

interview with Kevin E. Noonan on January 26, 1996.

9. The following is an Examiner's Statement of Reasons for Allowance:

Following a diligent search of the prior art, it was determined that, although

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there are some published reports of excitatory amino acid transporters cloned from other mammalian systems, the EAAT2 transporter from humans, nucleotide Seq. ID No.: 6 and amino acid Seq. ID No.: 7 were not known as of October 20, 1993. Kanai et al., in a review published in December 1993, state that "the cloning of the 5 glutamate transporter cDNAs, however, proved more difficult than was first imagined...strategies based on sequence similarity between previously cloned neurotransmitter transporters, such as transporters of GABA and noradrenaline, however, failed. In the end the solution came in the form of cloning strategies that did not rely on sequence homology."

10 Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

15 10. Any inquiry concerning this communication or earlier communications should be directed to Lisa J. Hobbs whose telephone number is (703) 308-6573.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax, can be reached at (703) 308-4216.

20 Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-

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0196.

Certain papers related to this application may be submitted to Group 1800 by facsimile transmission to the attention of the examiner in Art Unit 1814. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (October 19, 1988) and 1157 OG 94 (December 28, 1993) (see 37 CFR § 1.6(d)).  
5 The FAX telephone number is (703) 305-7401. Note: If applicants do submit a paper by facsimile, the original signed copy should be retained by applicants or applicants' representative. No duplicate copies should be submitted so as to avoid the processing of duplicate papers in the Office.

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Lisa J. Hobbs, Ph.D.  
January 29, 1996



ROBERT A. WAX  
SUPERVISORY PATENT EXAMINER  
GROUP 180